

# EXHIBIT 20

Page 1

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
-----x

4 KATHRYN TOWNSEND GRIFFIN,  
5 HELEN MCDONALD, and THE ESTATE  
6 OF CHERRIGALE TOWNSEND,

7  
8 -against-

9 Civil Action No.:  
10 1:17-CV-05221-RJS/GRIFFIN  
11

12 EDWARD CHRISTOPHER SHEERAN,  
13 p/k/a ED SHEERAN, ATLANTIC  
14 RECORDING CORPORATION, d/b/a  
15 ATLANTIC RECORDS, SONY/ATV  
16 MUSIC PUBLISHING LLC and  
17 WARNER MUSIC GROUP  
18 CORPORATION, d/b/a ASYLUM  
19 RECORDS,

20  
21 Defendants.  
22

23 -----x  
24 May 30, 2018  
25 10:02 a.m.

26  
27 Videotaped Deposition of ALEXANDER STEWART,  
28 taken by Defendants, pursuant to Notice, held at the  
29 law offices of Pryor Cashman, LLP, 7 Times Square,  
30 New York, New York, before Judith Castore, a  
31 Certified Livenote Reporter and Notary Public of the  
32 State of New York.

1 STEWART

2 Q And looking at the deposit  
3 copy of Let's Get It On -- not the  
4 sheet music, the deposit copy -- do you  
5 agree that the Let's Get It On deposit  
6 copy does not include drums?

7 A The drums are not notated on  
8 the deposit copy.

9 Q And do you agree that the  
10 base part is not notated on the Let's  
11 Get It On deposit copy?

12 A The base part is implied but  
13 it is not notated.

14 Q What do you mean by implied?

15 A Well, it's implied by virtue  
16 of the fact that -- the deposit copy  
17 shows or indicates where each chord  
18 change occurs and -- so that dictates  
19 where the base notes would go.

20 Q And that's common practice  
21 that the chord progression would  
22 dictate where the base chord -- the  
23 base notes go?

24 A Rhythmically, yes.

25 Q Well, beyond rhythmically it

1 STEWART

2 the caption says here.

3 Q So your testimony is we  
4 should ignore everything that's  
5 different between the two and just  
6 focus on what's the same?

7 A No. Not all, no.

8 Q Okay. Just checking.

9 A But the -- this duration  
10 thing is really kind of silly. It's  
11 something that --

12 Q So you think the duration of  
13 a note is irrelevant for your analysis?

14 A No, it's very pertinent. But  
15 when we're talking about --

16 Okay. So how long is a half  
17 a beat in this particular tempo? Let's  
18 see, if there are approximately 80  
19 beats per minute then it would be well  
20 under a half a second for half a beat.  
21 So did Mr. Sheeran hold that second  
22 note, the F-sharp for a full three  
23 seconds or did he hold it for 3.2  
24 seconds or 2.8? I mean, that's  
25 irrelevant. This is a perfectly valid

1 STEWART  
2 representation of the durations. So  
3 the difference in the duration between  
4 the second note in Let's Get It On and  
5 Thinking Out Loud is less than a half a  
6 second. And in the context of the  
7 recording and the other musical sounds  
8 that are happening concurrently with  
9 that base note I think it defies the  
10 expectation of anyone to have  
11 transcribed the exact duration of that  
12 note.

1

STEWART

2

not holding out the note for two beats.

3

It's just indicating where the drum is  
struck.

5

Q You transcribed it, not me.

6

So I'm just trying to get a sense of  
what you think is important and what  
you don't think is important.

9

A I'm trying to explain to you  
how transcription works and how -- this  
is a very fair and accurate  
representation of the musical sounds in  
these recordings.

14

Q Can you turn to the Ferrara  
report at Page 18, Musical Example 2?

16

A Yes.

17

Q Do you agree that Dr. Ferrara  
transcribed the first two bars of Let's  
Get It On the same as in your Example  
1?

21

A Yes.

22

Q And you agree that you did  
not transcribe the third and fourth bar  
in Let's Get It On in your Example 1?

25

A Yes. Because it's exactly

1

STEWART

2

the same as the first two except, as I  
mentioned before, it has this little  
embellishment at the end of the measure  
which is something that the base player  
on Let's Get It On does frequently and  
varies that embellishment.

8

Q So you believe that bar four  
of Let's Get It On is the same as bar  
two of Let's Get It On?

11

A In essence, yes.

12

Q How many notes are in bar two  
of Let's Get It On?

14

A Oh, this is -- this is  
totally missing the point. My  
transcription says the basic  
baselines -- this is the exact same  
thing that Dr. Ferrara did in his  
initial report, he looked at the basic  
baselines. He -- if we tried to talk  
about every single minuet variation  
throughout the entire song we would  
lose sight of what the basic baseline  
is because we would be constantly  
discussing the trees instead of the